

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

REGINALD LACEY

PLAINTIFF

V.

CIVIL ACTION NO. 3:24-CV-233-KHJ-MTP

STATE OF MISSISSIPPI

DEFENDANT

ORDER

Before the Court is Magistrate Judge Michael T. Parker's [8] Report and Recommendation. The Court adopts the Report and dismisses this action without prejudice.

Pro se Plaintiff Reginald Lacey filed this lawsuit in April 2024. Compl. [1]. Months later, it was "unclear from the record whether Defendant was served" timely. *See* [8] at 1. So the Court ordered Lacey either to "(a) show cause on or before August 12, 2024, why this action should not be dismissed for his failure to prosecute or (b) serve Defendant and file the proof of service on or before August 12, 2024." *Id.* The Court's Order noted that failure to comply may result in dismissal without prejudice. [7]. Even so, Lacey failed to comply.

The Report thus recommends dismissing this action without prejudice under Federal Rules of Civil Procedure 4(m) and 41(b). [8] at 1–2. Lacey timely objected. *See* Obj. [9] at 1–2. His objection reiterated his request for damages, but it addressed none of the Report's factual findings or legal conclusions. *See id.*

The Court must review de novo any portions of the Report to which Lacey objects. 28 U.S.C. § 636(b)(1).¹ It may review the remaining portions under a clearly erroneous, abuse-of-discretion, and contrary-to-law standard of review. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam). The Court need not “reiterate the findings and conclusions of the magistrate judge.” *See Koetting v. Thompson*, 995 F.2d 37, 40 (5th Cir. 1993) (per curiam).

Lacey failed to object to the Report’s findings or conclusions. The Report is not clearly erroneous or contrary to law. So the Court adopts the Report as the opinion of this Court.²

The Court has considered all arguments. Those not addressed would not have changed the outcome. For the stated reasons, the Court ADOPTS Magistrate Judge Michael T. Parker’s [8] Report and Recommendation, and it DISMISSES this action without prejudice. The Court will issue a separate final judgment consistent with this Order.

SO ORDERED, this 4th day of September, 2024.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE

¹ “[P]arties filing objections must specifically identify those findings objected to.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (per curiam) (quotation omitted). “[C]onclusive or general objections need not be considered.” *Id.* (quotation omitted).

² The Court notes that it has reviewed the full record, and the Court would have upheld the Report’s findings and conclusions even if Lacey had specifically objected to them. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1429 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (explaining that district court may “dispose of the matter in the alternative”).